



2019 ASSEMBLY BILL 1035

March 26, 2020 - Introduced by Representatives OTT, RAMTHUN, SCHRAA, MURPHY, ALLEN, DITTRICH, BRANDTJEN, ROHRKASTE, WICHGERS and BROOKS, cosponsored by Senators KOOYENGA, CARPENTER, CRAIG, STROEBEL and JACQUE. Referred to Committee on Rules.

1 **AN ACT relating to:** regulating the sale of certain drugs and medical supplies
2 below cost.

Analysis by the Legislative Reference Bureau

This bill exempts pharmaceutical, treatment, and other medical supplies used for treating COVID-19 from the Unfair Sales Act, also called the minimum markup law, during the public health emergency declared on March 12, 2020, by executive order 72.

Under current law, the Unfair Sales Act prohibits retailers and wholesalers from selling merchandise, including pharmaceutical, treatment, and other medical supplies, for less than the cost of the merchandise to the retailer or wholesaler.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1. Nonstatutory provisions.**

4 (1) SELLING PHARMACEUTICAL AND MEDICAL SUPPLIES RELATED TO COVID-19 BELOW
5 COST. Section 100.30 (3) does not apply to the sale of pharmaceutical, treatment, and
6 other medical supplies used for treating COVID-19 during the period covered by the

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SECTION 1

1 public health emergency declared on March 12, 2020, by executive order 72,
2 including any extension under s. 323.10.

3 (END)